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7 **THE DISTRICT COURT OF GUAM**

8 WASHINGTON D.C. SEATTLE,
9 MANUFACTURING INC. and JAYDEEN
10 CATHERINE DELA CRUZ,

11 Plaintiffs,

12 vs.

13 DEPARTMENT OF LABOR, DEPARTMENT
14 OF EDUCATION, DEPARTMENT OF
ADMINISTRATION, and DEPARTMENT OF
PARKS AND RECREATION,

15 Defendants.

CIVIL CASE NO. 20-00035

ORDER

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17 Before the court is the U.S. Magistrate Judge's Report and Recommendation to Deny
18 Application to Proceed without Prepaying Fees or Costs (ECF No. 2) and to Dismiss Complaint.
19 See ECF No. 3. For the reasons stated herein, the court hereby **ADOPTS** the Report and
20 Recommendation. The Application to Proceed without Prepayment of Fees, ECF No. 2, is
21 **DENIED**. The above-captioned matter is hereby **DISMISSED WITH PREJUDICE**.

22 Plaintiffs Washington D.C. Seattle, Manufacturing Inc. and Jaydeen Catherine Dela Cruz
23 filed a Complaint on October 29, 2020 against Defendants Department of Labor, Department of
24 Education, Department of Administration, and Department of Parks and Recreation. See Compl.,

1 ECF No. 1. Plaintiffs allege diversity of citizenship. *Id.* at 3.

2 The U.S. Magistrate Judge recommends the dismissal of the case for the following
3 reasons. First, Washington D.C. Seattle Manufacturing, Inc. is a corporate plaintiff, and
4 corporations must appear in court through an attorney. R. & R. at 3, ECF No. 3. Ms. Dela Cruz is
5 not a licensed attorney. *Id.* Second, the Complaint's basis for this court's jurisdiction is diversity
6 of citizenship. Yet, all named defendants are Government of Guam agencies or instrumentalities.
7 *Id.* Third, Ms. Dela Cruz's statement of claim, "Bad customer services; poor reputation no
8 polilitical [*sic*] affairs, no Direction to owner of property[,]'"has nothing to do with federal
9 question. *Id.* The U.S. Magistrate Judge also found that granting leave to amend would be futile.
10 *Id.* at 4.

11 In response to the Report and Recommendation, instead of properly filing an Objection,
12 Plaintiffs filed an amended complaint. *See* Am. Compl., ECF No. 4. The fact remains, however,
13 that there is no diversity jurisdiction here. The court has diversity jurisdiction over cases where
14 the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, and is an action
15 between citizens of different states. Although the requested relief is "\$980 hundred zillion
16 thousand dollars" (Am. Compl. at 5, ECF No. 4), Ms. Dela Cruz and all named defendants are
17 citizens of Guam.¹ *See* §§ I.A. and I.B. of Am. Compl., ECF No. 4.

18 Further, the allegations in the "Statement of Claim," which appear mostly unintelligible,
19 are as follows:

20 about 1 year ago applied for unemployment services from PUA
21 unemployment/Department of labor did not pay for unemployment
22 services Beginning January 1, 2019 thur December 01, 2020 was supposed
to pay-out a relief of Pandemic COVID-19 to retro days back pay. \$945
per week for 39 weeks and violated my civil rights dismative.

23 § III of Am. Compl., ECF No. 4. The allegations are so deficit that the court cannot discern what
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¹ All named defendants are Government of Guam agencies or instrumentalities.

1 each defendant did and how such actions form the basis for a federal question jurisdiction.

2 Accordingly, based on the foregoing, the Application to Proceed without Prepayment of
3 Fees, ECF No. 2, is **DENIED**. The above-captioned matter is hereby **DISMISSED WITH**
4 **PREJUDICE** for lack of jurisdiction.

5 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Jan 29, 2021